

**REMAKRS:**

Careful consideration has been given to the Official Action of July 5, 2007 and reconsideration of the application as amended is respectfully requested.

Claim 1 has been amended to incorporate features recited in claims 4, 7, and 8.

Claim 10 has been amended to incorporate features recited in claims 11 and 12.

Claims 2-9, 11, and 12 have been canceled without prejudice.

Claim 14 has been amended to recite more clearly the claimed means.

Claim 15 has been added to recite that each lateral portion has through holes. Support for this claim can be found at page 15, lines 1-6 and Figs. 9-10.

Claim 16 has been added to recite the collar 205 described in page 14, lines 20-23 and shown in Figs. 9-12.

Claims 1-9 and 13-14 stand rejected under 35 USC 102(b) as being allegedly anticipated by US Patent No. 5,295,982 (Schatz).

Claims 1-4, 7-8, and 13-14 stand rejected under 35 USC 102(b) as being allegedly

anticipated by DE 4304091 A1 (Frenekl).

Claims 10-12 stand rejected under 35 USC 103(a) as being allegedly unpatentable over either Schatz or Frankel in view of US Patent No. 5,665,053 (Jacobs).

The claims as now presented are patentable over the references cited by the Examiner as will be discussed hereinafter.

The claimed invention is directed to a skin message device having a membrane that includes a central portion and two lateral portions thicker than the central portion. The two lateral portions each has two projections, and are movable by the vacuum generated inside the chamber. These features enable the claimed invention to achieve numerous therapeutic benefits by combining suction with specially shaped projections.

However, these features are not disclosed in any of the references cited by the Examiner.

Schatz discloses a device for cleaning skin (see title), and not a skin macro-massage device as claimed in the present application. Specifically, to clean skin, Schatz provides a rigid body (4) covered with an elastic diaphragm (3), wherein the diaphragm, which is sucked into the main openings (4a) of the section nozzle (4), forms an equal number of secondary mini-vacuum pumps (5) which act on the skin (6) and on the skin pores (7) (column 3, lines 34-38 of Schatz). Schatz does not teach or suggest having lateral portions that are movable

by the vacuum generated inside the chamber, that also each have two projections as required by claim 1. It is noted that Fig. 8 of Schatz shows projecting bead 13 at the edge of an opening 4a, but it is merely a valve which has the function of an exhaust valve for the excess quantity of exiting air when the diaphragm 3 is relaxed (acting like venting ducts) (column 4, lines 9-15). Therefore, the bead 13 of Schatz is clearly distinguished from the lateral portions of the claimed invention.

Frenkel is directed to a device in which a membrane (203) and an ultrasound emitting device are housed in a casing. However, the lateral portions of Frenkel do not have any holes by which to lift and treat portions of skin as required by the claimed invention. The patient's skin under the central portion of Frenkel's device is subjected solely to the action of the ultrasound emitting device. This is clearly distinguished from the claimed invention which requires a central portion having at least one hole for lifting a portion of the skin.

Jacobs was cited by the Examiner for disclosure of an ultrasound emitting device housed in a central through hole. However, Jacobs still cannot fulfill the deficiencies of Schatz and Frenkel as discussed above.

In view of the above action and comments, it is respectfully submitted that the application is in condition for allowance and early notification thereof is earnestly solicited.

Respectfully submitted,

CLIFFORD J. MASS  
c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, New York 10023  
Reg. No. 30,086  
Tel. No. (212) 708-1890